



IT IS ORDERED as set forth below:

Date: July 24, 2009

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

GENEVA ANN SIMS,

Debtor.

CHAPTER 13
CASE NO. 06-61058-PWB

GENEVA ANN SIMS,

Movant,

CONTESTED MATTER

v.

HYUNDAI MOTOR FINANCE
COMPANY,

Respondent.

**ORDER ON OBJECTION TO CLAIM OF
HYUNDAI MOTOR FINANCE COMPANY
[CLAIM NUMBER 10]**

Debtor filed an objection [Docket No. 33] to the proof of claim filed by Hyundai Motor Finance Company (“Hyundai”). [Claim No. 10]. The objection, filed on November 18, 2008, was

scheduled for a hearing on January 7, 2009. No one appeared at the hearing on behalf of Hyundai, so counsel for Debtor was directed to submit a proposed order granting the requested relief.

Debtor's counsel did not submit a proposed order until July 7, 2009, and the proposed Order provided that the claim would be disallowed, whereas the objection asserts that the amount is incorrect and requests that it be amended to reflect the correct amount. The objection indicates that the problem is a failure by the creditor to apply proceeds from the sale of repossessed collateral to the debt, but the proof of claim itself clearly states that it asserts a deficiency balance. Moreover, the debtor scheduled a debt to Hyundai of \$6,100.

The rather old claim of Hyundai (dating back to 1993) may be objectionable; its proof of claim does not attach any documents supporting its claim and it contains no information as to how it calculated its claim. But these deficiencies do not provide a basis for denial of a claim. *In re Shank*, 315 B.R. 799 (Bankr. N.D. Ga. 2004). And, in any event, the objection seeks amendment of the claim, not disallowance.

The Court declines to enter an order disallowing the claim or requiring its amendment at this time. The Court will permit the Debtor to amend her objection to state the amount, if any, debt that she contends she owes and to seek other relief if she contends that the proof of claim is deficient. *See In re Shank*, 315 B.R. 799 (Bankr. N.D. Ga. 2004).

Counsel shall serve the amended objection, schedule a hearing in accordance with the Court's procedures, and serve the amended objection and notice of hearing on Hyundai. If an amended objection is not filed within 30 days, the objection will be denied, without prejudice.

END OF ORDER.

DISTRIBUTION LIST

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